

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN WILLIAMS,)	
)	
Petitioner,)	Civil Action No. 21-1860
)	
v.)	District Judge David S. Cercone
)	Magistrate Judge Maureen P. Kelly
KINGS COUNTY DISTRICT ATTORNEY'S)	
OFFICE;)	Re: ECF No. 12
COMMONWEALTH OF PENNSYLVANIA,)	
<i>Lancaster County, Pennsylvania; and</i>)	
SUPERINTENDENT DEREK F.)	
OBERANDER, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

Petitioner Kevin Williams (“Petitioner”) is a state prisoner currently incarcerated at the State Correctional Institution at Forest (“SCI-Forest”) located in Marienville, Pennsylvania. Petitioner initiated the present matter by filing a self-styled “Supplemental Amendment to Writ of Mandamus” (the “Petition”) in the United States District Court for the Eastern District of New York. ECF No. 1. The Eastern District of New York transferred this case to this judicial district on December 16, 2021.

While the Petition is difficult to follow, it appears that Petitioner seeks relief from a prior conviction in the Court of Common Pleas of Lancaster County, Pennsylvania. Id. at 8. Lancaster County is located within the territorial limits of the Eastern District of Pennsylvania. 28 U.S.C. § 118(a).

On January 24, 2022, United States Magistrate Judge Maureen Kelly issued a Report and Recommendation that this case be transferred to the Eastern District of Pennsylvania, in keeping with the general practice of federal district courts in Pennsylvania. See ECF No. 12 at 5.

Petitioner timely filed objections on February 7, 2022. ECF No. 13. In the objections, Petitioner asserts that he filed a notice of appeal in the Eastern District of New York, and argues that this case should not be transferred to the Eastern District of Pennsylvania because he already has sought or is currently seeking habeas relief in the Eastern District of Pennsylvania.¹ Id. at 2-3. But that is a reason to transfer the case there, not a reason to entertain further proceedings in this court.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, ECF No. 12, and Petitioner Objections thereto, ECF No. 13, the following order is entered:

AND NOW, this 9th day of February, 2022,

IT IS HEREBY ORDERED that the Clerk's Office is directed to transfer this case forthwith to the United States District Court for the Eastern District of Pennsylvania. Petitioner's Objections are OVERRULED and DISMISSED.

IT IS FURTHER ORDERED the magistrate judge's Report and Recommendation, ECF No. 12, as it is supplemented by this order, is adopted as the opinion of this Court.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

¹ Neither the docket in this case, nor the docket in the Eastern District of New York, indicate that Petitioner filed a notice of appeal from the order transferring this case to the Western District of Pennsylvania. See Williams v. Kings County Dist. Att'y's Office, No. 21-3977 (E.D. NY filed July 6, 2021). Similarly, a search for Petitioner's name on PACER does not reveal that an appeal from Civil Action No. 21-3977 is pending in the United States Court of Appeals for the Second Circuit.

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

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EF-1167
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